

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

KEVIN WAYNE EALEY, #L5161

PETITIONER

VERSUS

CIVIL ACTION NO. 5:08cv256-DCB-MTP

CHRISTOPHER EPPS

RESPONDENTS

ORDER

Upon consideration of the petition filed pursuant to 28 U.S.C. § 2254 by the petitioner in the above entitled action, the court notes that the petitioner failed to file an application to proceed in forma pauperis or submit the \$5.00 filing fee. Accordingly, it is hereby

ORDERED:

1. That on or before August 27, 2008, petitioner shall file a completed application for leave to proceed in forma pauperis (attached) OR pay the \$5.00 filing fee.

2. **That petitioner is informed that his failure to timely comply with the requirements of this order may lead to the dismissal of his petition.**

3. The Clerk shall mail the attached in forma pauperis application to the petitioner at his last known address.

THIS, the 6th August, 2008.

s/ Michael T. Parker

UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

KEVIN WAYNE EALEY

Petitioner

v.

CIVIL ACTION NO. 5:08cv256DCB-MTP

CHRISTOPHER EPPS

Respondent

MOTION TO PROCEED IN FORMA PAUPERIS

I, _____, declare that I am the petitioner in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. §1915 I declare that I am unable to pay the costs of said proceedings or give security therefor; that I believe I am entitled to the relief.

Signed: _____ Date: _____

AFFIDAVIT IN SUPPORT OF MOTION

In support of this motion, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? _____ Yes _____ No
If "yes" state the place of your incarceration _____
2. Are you presently employed (at the institution or otherwise)? _____ Yes _____ No
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

 - b. If the answer is "no," state the date of the last employment and the amount of the salary and wages per month which you received. _____

3. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession or form of self-employment? _____ Yes _____ No

- b. Rent payments, interest or dividends? ☐ Yes ☐ No
 c. Pensions, annuities or life insurance payments? ☐ Yes ☐ No
 d. Gifts or inheritances? ☐ Yes ☐ No
 e. Any other sources? ☐ Yes ☐ No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

4. Do you own cash, or do you have money in a checking or savings account?

☐ Yes ☐ No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☐ No

If the answer is "yes," describe the property and state its approximate value. _____

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on _____
Date

Signature of Petitioner

Certificate

I hereby certify that the petitioner herein has the sum of \$_____ on account to his credit at the _____ institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said _____ institution:_____.

Date

Authorized Officer of Institution